

REMARKS

By this Amendment, claims 1 and 11 are amended. Claims 2-10 and 12-15 remain in the application. Thus, claims 1-15 are active in the application.

Reexamination and reconsideration of the application are respectfully requested.

In item 1 on page 2 of the Office Action, claims 1, 6 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Pasanen (U.S. 6,587,450). This rejection is respectfully traversed for the following reasons.

The Applicants thank the Examiner and Examiner William Trost for kindly conducting the personal interview with the Applicants' undersigned representative on June 2, 2005. The Applicants' representative explained the claimed invention and the Pasanen reference, and argued that the Pasanen reference does not anticipate the claimed invention. In particular, the Applicants' representative explained that the claimed invention is a mobile communication device operable to be coupled to (1) an external device having a short-distance wireless communication function and (2) a server on a network, and that the claimed mobile communication device exchanges data with (1) the external device and (2) the server in accordance with a predetermined protocol.

As will be further discussed below, Pasanen discloses a server 1 which is able to exchange data with peripheral devices 6-15 via a local area network (LAN) 5 by means of a short-distance link module. The Applicants' representative pointed out that the constituent elements recited in claims 1 and 11 are elements of the mobile communication device, not the external device or the server, and the constituent elements of the method of claim 6 are performed by using a mobile communication device.

The Applicants' representative argued that neither the server 1 nor the peripheral device 6-15 anticipate the claimed mobile communication device of the present invention, because neither the server 1 nor the peripheral device 6-15 comprise all of the constituent elements recited in claims 1, 6 and 11, and because neither the server 1 nor the peripheral device 6-15 are operable to exchange data with (1) an external device and (2) a server while also receiving instruction data from an external source prior to performing a set of data exchanges. After explaining the differences between the present invention and the Pasanen reference, the Applicants' representative and the Examiner agreed that changing the preambles of claims 1 and 11 would more clearly illustrate that

the recited constituent elements are comprised in the mobile communication device and not the server or the external device. Further, as shown on the Interview Summary record dated June 2, 2005, the Examiner and the Examiner's supervisor agreed that revising the preamble of claims 1 and 11 would distinguish the present invention over Pasanen for the reasons presented below.

Accordingly, the preamble of claim 1 has been amended to more clearly recite that the mobile communication device comprises the recited means elements of claim 1. Similarly, the preamble of claim 11 has been amended to more clearly recite that the mobile communication device comprises the recited units of claim 11. The preamble of claim 6 has not been amended, because the Applicants respectfully submit that it is clear from the preamble of claim 6 that the data communication method is performed "by using a mobile communication device coupled to and operable to communicate with the external device and the server."

Thus, claims 1, 6 and 11 each clearly recite that the mobile communication device is coupled to (1) an external device having a short-distance wireless communication function and (2) a server on a network. Further, claims 1, 6 and 11 each clearly recite that the mobile communication device exchanges data with (1) the external device and (2) the server in accordance with a predetermined protocol.

Claim 1 recites that the mobile communication device comprises the short-distance wireless reception means, the network reception means, the short-distance wireless transmission means, the network transmission means, the instruction data reception means, the analysis means, and the switching means.

Claim 11 recites that the mobile communication device comprises the short-distance wireless reception unit, the network reception unit, the short-distance wireless transmission unit, the network transmission unit, the instruction data receiving unit, the analysis unit, and the switching unit.

As described above, the data communication method is performed by using a mobile communication device, and thus, the receiving, analyzing and performing operations of the data communication method are performed by using the mobile communication device which is coupled to and operable to communicate with (1) an external device and (2) a server.

Furthermore, claim 1 recites the instruction data receiving means of the mobile communication device as receiving instruction data from an external source prior to performing a set of data exchanges. Claim 11 recites the instruction data receiving unit of the mobile communication device as being operable to receive instruction data from an external source prior to performing a set of data exchanges. Claim 6 recites the data communication method, which is performed by using the mobile communication device, as comprising receiving instruction data from an external source prior to performing a set of data exchanges.

Pasanen discloses a local area network (LAN) in which a plurality of external devices 6-15 are coupled to a wireless LAN 5, and the LAN 5 is coupled to a server 1. The server 1 includes means 2 for setting up a data transmission connection with a mobile communication network 3 (i.e., a long-distance link module), and means 4 for setting up the wireless LAN 5 (i.e., a short-distance link module) between the server 1 and the peripheral devices 6-15 (see Column 4, lines 20-46, 53-62 and Figure 1).

In terms of comparison between Pasanen and the claimed invention, the short-distance link module communication of Pasanen is believed to correspond to the short-distance wireless communication of the present invention, and the long-distance link module communication of Pasanen is believed to correspond to the network transmission/reception between the mobile communication device and the server of the present invention.

At the top of page 3 of the Office Action, the Examiner referenced Column 4, line 53 to Column 5, line 3 of Pasanen in asserting that Pasanen discloses the short-distance wireless reception means (unit), the network reception means (unit), the short-distance wireless transmission means (unit), and the network transmission means (unit) of claims 1 and 11.

Column 4, line 53 to Column 5, line 3 of Pasanen discloses that each peripheral device 6-15 is provided with a short-distance link module 16 for communicating with the LAN 5 via short-distance link communication (see Figure 2b). Accordingly, by citing the above-referenced portion of Pasanen, it appears that the Examiner is construing the peripheral device 6-15 as corresponding to the mobile communication device of the present invention. However, the short-distance link module 16 is only described as

performing short-distance link communication with the LAN 5 by means of a transmitter 16a and a receiver 16b. The short-distance link module 16, however, is not disclosed or suggested as being able to perform the long-distance link module communication with the mobile communication network 3. Accordingly, the transmitter 16a and the receiver 16b of the short-distance link module 16 of each peripheral device 6-15 are thus only able to perform short-distance communication with the LAN 5 within operating span of the LAN 5.

Therefore, the short-distance link module 16 of each peripheral device 6-15 clearly is not disclosed or suggested as comprising a network reception unit (means) for receiving data by a long-distance link module, or a network transmission unit (means) for transmitting data by a long-distance link module.

Accordingly, the peripheral device 6-15 of Pasanen clearly cannot be construed as corresponding to the mobile communication device of claims 1 and 11, since the peripheral device 6-15 of Pasanen is not disclosed or suggested as comprising each of the short-distance wireless reception means (unit), the network reception means (unit), the short-distance wireless transmission means (unit), and the network transmission means (unit) of claims 1 and 11.

As mentioned above, the server 1 of Pasanen includes means 2 for setting up a data transmission connection with a mobile communication network 3 (long-distance link module), and means 4 for setting up the LAN 5 (short-distance link module) between the server 1 and the peripheral devices 6-15 (see Column 4, lines 20-46, 53-62, Figure 1 and Figure 2a).

As shown in Figure 2a, the means 2 for establishing a long-distance communication link with the mobile communication network 3 includes a radio transmitter 2a and a radio receiver 2b. The means for establishing a short-distance communication link with the LAN 5 includes a transmitter 4a and a receiver 4b.

Even if the Examiner were to consider the server 1 as corresponding to the mobile communication device of the present invention, by reasoning that the radio transmitter 2a and the radio receiver 2b respectively correspond to the network transmission unit (means) and the network reception unit (means), and by reasoning that the transmitter 4a and the receiver 4b respectively correspond to the short-distance wireless transmission

unit (means) and the short-distance wireless reception unit (means), the server 1 of Pasanen cannot correspond to the mobile communication device of the present invention. In particular, the server 1 of Pasanen cannot be considered to correspond to the mobile communication device of the present invention, because Pasanen does not disclose or suggest that the server 1 is able to exchange data with another “server” on a network, as defined in each of claims 1, 6 and 11.

Therefore, neither the server 1 or the peripheral device 6-15 can be construed to correspond to the mobile communication device of claims 1, 6 and 11 since neither the server 1 nor the peripheral device 6-15 include each and every constituent element recited in claims 1, 6 and 11.

Furthermore, claims 1 and 11 define the instruction data receiving unit (means) of the mobile communication device as receiving instruction data from an external source prior to performing a set of data exchanges, and claim 6 defines the data communication method, which is performed by using the mobile communication device, as comprising receiving instruction data from an external source prior to performing a set of data exchanges.

Pasanen discloses that the server 1 and the peripheral devices 6-15 communicate in the LAN 5 by exchanging link agents. The Examiner contends that the link agents correspond to the instruction data recited in claims 1, 6 and 11. Pasanen discloses that the link agents are independent, which is defined to mean that the link agents are not bound to the server 1 or peripheral device 6-15 in which the link agent is generated, but that the link agents can be transferred from one device 1, 6-15 to another (see Column 5, lines 35-60). Accordingly, Pasanen discloses that the exchanged link agents are generated in the server 1 or the peripheral device 6-15.

Therefore, by being generated in either the server 1 or the peripheral device 6-15 before being transferred to another device 1, 6-15, the link agents are clearly not received from an external source, as recited in each of claims 1, 6 and 11.

Accordingly, Pasanen clearly does not disclose or suggest a mobile communication device as comprising an instruction data receiving unit (means) for receiving instruction data from an external source prior to performing a set of data exchanges, as recited in claims 1 and 11. Similarly, Pasanen also clearly does not

disclose or suggest a data communication method performed by a mobile communication device, where the method comprises receiving instruction data from an external source prior to performing a set of data exchanges, as recited in claim 6.

Furthermore, it is noted that the Examiner's referenced portions of Pasanen for anticipating the four descriptions of the instruction data of claims 1 and 11 (and the corresponding operations of claim 6) are attributed to functional operations of both the server 1 and the peripheral device 6-15. For instance, the second recited description is described with reference to a functional operation of the server (Column 4, lines 53-65), and the fourth recited description is described with reference to a functional operation of the peripheral device 6-15 (Column 7, lines 55-67, Column 12, lines 12-18).

In order to correspond to the mobile communication device of the present invention, the server 1 or the peripheral device 6-15 must include each and every recited constituent element of the mobile communication device, the server 1 or the peripheral device 6-15 must be operable to be coupled to (1) an external device having a short-distance wireless communication function and (2) a server on a network, and the server 1 or the peripheral device 6-15 must be operable to exchange data with (1) the external device and (2) the server in accordance with a predetermined protocol. Despite the Examiner's assertion to the contrary, neither the server 1 nor the peripheral device 6-15 of Pasanen are disclosed or suggested as including each and every limitation of the mobile communication device of the present invention.

Therefore, for at least the foregoing reasons, Pasanen clearly does not disclose or suggest each and every limitation of claims 1, 6 and 11. Accordingly, claims 1, 6 and 11 are clearly not anticipated by Pasanen since Pasanen does not disclose each and every limitation of claims 1, 6 and 11.

In item 2 on page 5 of the Office Action, claims 2-5, 7-10 and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pasanen in view of Linden et al. (U.S. 6,549,773). As described above, Pasanen clearly fails to disclose or suggest each and every limitation of claims 1, 6 and 11. For the following reasons, the Applicants respectfully submit that Linden et al. clearly does not cure the deficiencies of Pasanen for failing to disclose or suggest each and every limitation of claims 1, 6 and 11.

Linden et al. discloses a method of transmitting data between a first mobile station, a second mobile station and a server. The first and second mobile stations include protocol means for generating and directing a request which contains at least address information for identifying the request destination of the request (see Column 6, lines 33-42 and Column 7, lines 37-62). Linden et al. also provides that instruction data may be described in XML or HTML languages (see Column 8, lines 11-19).

However, similar to Pasanen, Linden et al. also clearly does not disclose or suggest a mobile communication device comprising the short-distance wireless reception means (unit), the network reception means (unit), the short-distance wireless transmission means (unit), and the network transmission means (unit) of claims 1 and 11.

Furthermore, similar to Pasanen, Linden et al. also clearly does not disclose or suggest a mobile communication device receiving an instruction data receiving unit (means) operable to receive instruction data from an external source prior to performing a set of data exchanges, as recited in claims 1, 6 and 11.

Accordingly, neither Pasanen nor Linden et al. disclose or suggest each and every limitation of claims 1, 6 and 11. Therefore, no obvious combination of Pasanen and Linden et al. would result in the inventions of claims 1, 6 and 11 since Pasanen and Linden et al., either individually or in combination, clearly fail to disclose or suggest each and every limitation of claims 1, 6 and 11.

Thus, the Applicants respectfully submit that claims 1, 6 and 11 are clearly patentable over Pasanen and Linden et al.

Furthermore, the Applicants respectfully submit that the clear distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Pasanen and Linden et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 6 and 11. Therefore, it is submitted that the claims 1, 6 and 11, as well as claims 2-5, 7-10 and 12-15 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

The Applicants note that minor editorial revisions were made to claims 1 and 11. In particular, the wherein clause of claim 1 defines that the instruction data contains a description for instructing the short-distance wireless "transmission" means to receive

identification information which is specific to the external device from the external device. The short-distance wireless reception means are defined in claim 1 as "receiving data from the external device," and the short-distance wireless transmission means are defined in claim 1 as "transmitting data to the external device." Accordingly, since the short-distance wireless reception means are defined as receiving data, claim 1 was amended to define the instruction data as containing a description for instructing the short-distance wireless reception means to receive identification information. Claim 11 was amended similar to claim 1.

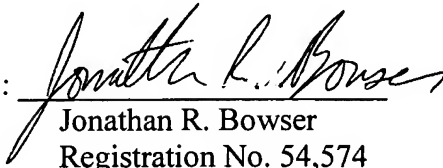
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a one-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

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June 16, 2005